UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

FREDRICK JAMES DAVIS,)	
Plaintiff,)	
VS.)	Case No. 4:10-CV-1654-CDF
JENNIFER SACHSE, et al.,)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion to proceed in forma pauperis [Doc. #2]. Plaintiff, an inmate at the Southeast Correctional Center, has filed at least three previous cases that were dismissed as frivolous, malicious, or for failure to state a claim. Pursuant to 28 U.S.C. § 1915(g), the Court may not grant the motion unless plaintiff "is under imminent danger of serious physical injury."

After reviewing the complaint, the Court finds no allegations indicating that plaintiff is presently in imminent danger of serious physical injury. As a result, the Court will deny the motion and will dismiss this action without prejudice to refiling as a fully paid complaint.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis [Doc. #2] is **DENIED**.

IT IS FURTHER ORDERED that plaintiff's motion for appointment of counsel [Doc. #4] is **DENIED** as moot.

¹See <u>Davis v. State of Missouri</u>, Case No. 4:08-CV-1481-DDN (E.D. Mo.); <u>Davis v. State of Missouri</u>, Case No. 4:08-CV-1927-CAS (E.D. Mo.); <u>Davis v. Mitchell</u>, Case No. 4:09-CV-439-RWS (E.D. Mo.).

IT IS FURTHER ORDERED that this action is DISMISSED, without prejudice, pursuant to 28 U.S.C. § 1915(g).

A separate Order of Dismissal shall accompany this Memorandum and Order.

Dated this 10th day of September, 2010.

UNITED STATES DISTRICT JUDGE